

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLTON JAMES ROOD,

Petitioner,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

Case No. 1:20-cv-01018-AWI-HBK

ORDER DENYING PETITIONER'S  
MISCELLANEOUS MOTIONS FOR RELIEF

(Doc. Nos. 29, 30)

Petitioner Colton James Rood, a state prisoner, has pending a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1). Before the court are petitioner's two motions for relief: a "request for order exacting relief and summary judgment," (Doc. No. 29) and a "request to bar untimely motion and response." (Doc. No. 30). Petitioner claims he should be *ipso facto* granted habeas relief because respondent failed to timely respond to the petition. (*See* Doc. No. 29). Petitioner similarly requests the court to bar respondent's motion to dismiss due it being untimely. (*See* Doc. No. 30).

Respondent's motion to dismiss was not untimely filed. As reflected by the docket, on September 24, 2020 respondent moved for an extension of time to file the responsive pleading. (Doc. No. 19). On November 20, 2020, finding respondent filed a motion to dismiss in response to the Court's Order to Show Cause on October 23, 2020, granted respondent's motion for an extension of time *nunc pro tunc*. (Doc. No. 25).

1           Accordingly, it is ORDERED:

2           Petitioner's motions titled "request for order exacting relief and summary judgment"  
3 (Doc. No. 29) and "request to bar untimely motion and response" (Doc. No. 30) are DENIED.

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5           IT IS SO ORDERED.

6           Dated: March 16, 2021

  
7           HELENA M. BARCH-KUCHTA  
8           UNITED STATES MAGISTRATE JUDGE

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